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COMMISSION ON HUMAN RIGHTS

SUB-COMMISSION ON THE PROMOTION AND PROTECTION OF HUMAN RIGHTS

Fifty-second session

SUMMARY RECORD OF THE 18th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 14 August 2000, at 10 a.m.

Chairperson: Ms. MOTOC

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GE.00-15030 (E)

The meeting was called to order at 10 a.m.

METHODS OF WORK OF THE SUB-COMMISSION (continued) (agenda item 1 (c))

1. The CHAIRPERSON invited the members of the Sub-Commission to continue their discussion of agenda item 1 (c) and to consider a draft decision on the way in which the discussion of agenda item 2 would be reported to the Commission on Human Rights.

2. Mr. RODRÍGUEZ CUADROS said that he had held unofficial consultations with the members of the Sub-Commission on the draft decision which had been circulated and had tried to take account of all the views expressed. Although most of the members of the Sub-Commission had approved the text, others had expressed some reservations. However, the latter did not intend to oppose the adoption of the text by consensus. The text read:

> "With the object of implementing Commission on Human Rights decision 2000/109, in particular paragraph 52 of the annex, and in conformity with paragraph 2 of Commission resolution 8 (XXIII) of 16 March 1967, the Sub-Commission will include in its report an extended and objective overview of its discussions on violations of human rights under agenda item 2. This overview will be prepared by the Rapporteur of the Sub-Commission and circulated for the consideration of all the members of the Sub-Commission before its adoption."

3. Mr. JOINET said that he would have preferred a more precise text that went further, but he would not oppose the consensus.

4. Mr. KARTASHKIN said that the reservations expressed by some members were due to the fact that the draft decision was not in conformity with Commission on Human Rights decision 2000/109. He believed that that decision should be respected and suggested that an in-depth and detailed account of the discussions in the Sub-Commission under agenda item 2 should be included in the report.

5. Mr. YOKOTA expressed strong support for the draft decision as it stood. The inclusion of "an extended and objective overview" of the Sub-Commission's discussions on human rights violations under agenda item 2 in its report was a departure from the usual practice. Moreover, the reason for giving an "overview" of those discussions was to help the Commission pick out the important parts of the Sub-Commission's discussions, particularly those on agenda item 2, in the report and that was absolutely in conformity with paragraph 52 of the report of the inter-sessional open-ended working group on enhancing the effectiveness of the mechanisms of the Commission on Human Rights. He was in favour of the adoption of the draft decision by consensus.

6. Mr. GUISSÉ said that the inclusion in the report on the session of the Sub-Commission of "an extended and objective overview" of the discussions was certainly a departure from the usual practice, although he was not quite sure what was meant by "an extended and objective overview". He suggested that the new procedure should be adopted on an experimental basis. While he would not block consensus, he reserved his definitive decision on the issue for the next session.

7. Mr. ALFONSO MARTÍNEZ said that, before continuing with the discussion, it would be extremely useful if the members of the Sub-Commission could have a copy of the document which had been prepared by the Rapporteur and would give some idea of what his final report would look like.

8. Mr. GOONESEKERE said that, as Rapporteur, he had the difficult job of summarizing the Sub-Commission's discussions. To his mind, the "overview" he was responsible for producing would consist of two parts, one part on experts' general comments and the other containing their comments on particular countries, presented in an order of some kind. He had drawn on four sources in preparing the document: firstly, the experts' written statements; secondly, the summary of the statements provided by the Secretariat; thirdly, the daily reports on the previous day's discussions; and, fourthly, his own notes. He had studied all those sources very carefully to prepare a summary of the discussions on agenda item 2. However, he found it very difficult to give an "overview" of the Sub-Commission's discussions. While it was possible to report the statements by members on the situation in a particular country, it was very difficult to give an overview insofar as the Sub-Commission could no longer adopt resolutions on the subject. If the way in which he proposed to proceed was not satisfactory, it would have to be clearly explained to him what was meant by "an overview" and the method to be followed would have to be spelled out.

9. Mr. BENGOA said that the matter must be settled quickly, as the Sub-Commission was beginning the last week of its session. In his view, the Rapporteur should submit a clear summary of the discussions to the Commission.

10. Mr. YIMER said that the draft decision before the Sub-Commission was not in conformity with the Commission's instructions and he objected to the text. Although he did not intend to block consensus, he hoped that the Commission would state its position on the issue.

11. Mr. FAN Guoxiang said that he had some reservations about the draft decision. Although he was not against the Sub-Commission discussing the situation of human rights in a particular country, he had always been against it adopting resolutions on specific countries. In his view, there was a risk that preparing an "overview" would lead to the same result by a different way.

12. Moreover, the text raised some practical problems, since, at the current session, members had made statements on human rights violations, but there had been no discussions and the Sub-Commission had not adopted a resolution on the subject. So how could a document giving an "overview" of the subject be prepared? The last sentence of the draft decision ("This overview will be prepared by the Rapporteur of the Sub-Commission and circulated for the consideration of all the members of the Sub-Commission before its adoption") also raised problems, as it could take weeks to adopt the report under those conditions. He therefore took it that, in adopting the draft decision, the Sub-Commission would be accepting the procedure proposed on an experimental basis, while waiting for the Commission to express an opinion on the subject at its next session. However, he did not intend to stand in the way of consensus.

13. Ms. HAMPSON said that it was important to distinguish between the Commission's decision itself and the report prepared pursuant to that decision. The discussion was about the Commission's decision.

14. Mr. PREWARE said that the inclusion of an overview in the report was quite simply a way of sidetracking Commission decision 2000/109. He supported Mr. Guissé and Mr. Fan Guoxiang in recommending that the procedure should be adopted on an experimental basis while awaiting a final decision at the next session. With that reservation, he was prepared to adopt the draft decision.

15. Mr. FIX ZAMUDIO said that the draft decision under consideration was one interpretation of the Commission's decision, which was a decision he did not find very clear. He agreed with those members who thought the procedure should be tried on an experimental basis, on condition that a final decision would be taken at the next session.

16. Mr. JOINET said that he agreed with the idea of adopting the procedure on an experimental basis because, in the first place, it would allow the draft decision to be adopted without a vote and, secondly, it would show the Commission that the Sub-Commission was not taking a confrontational approach.

17. Mr. RODRÍGUEZ CUADROS said that the draft decision had given rise to two interpretations by the members of the Sub-Commission: for some, the text went against the Commission's decision, while, for others, it was in conformity with that decision. In order to take into account the comments by members on the experimental nature of the approach, he proposed that the following new paragraph should be added to the draft decision: "This decision is of an experimental nature; it will be evaluated during the next sessions of the Sub-Commission in the light of the results it produces, while taking into account the provisions of Commission on Human Rights decision 2000/109."

18. Mr. ALFONSO MARTÍNEZ said that he agreed with some of the comments made by his colleagues. In any event, the current situation could only be temporary, as the Commission would be considering the question carefully. However, it would not be surprising if the Commission did not entirely approve of the Sub-Commission's decision, so that the issue would have to be brought up again at the following session. However, he did not intend to stand in the way of consensus.

19. Mr. GUISSÉ said that the proposal by Mr. Rodríguez Cuadros might prolong the discussion. He therefore proposed that the draft decision should read: "With the object of implementing, on an experimental basis, Commission on Human Rights decision 2000/109 ...".

20. Mr. RODRÍGUEZ CUADROS said that he agreed with Mr. Guissé's proposal.

21. Mr. KARTASHKIN said that he joined the consensus.

22. Mr. JOINET said that, although he was not in favour of the amendment, he would not object to it.

23. The draft decision, as amended by Mr. Guissé, was adopted by consensus.

HUMAN RIGHTS OF INDIGENOUS PEOPLES:

(a) INDIGENOUS PEOPLES AND THEIR RELATIONSHIP TO LAND (agenda item 7 (a)) (continued)

(E/CN.4/Sub.2/2000/25 and 26; E/CN.4/Sub.2/2000/CRP.1 and CRP.2; E/CN.4/2000/84-86; E/CN.4/Sub.2/1999/18-20; E/CN.4/Sub.2/AC.4/2000/3 and 4; and A/54/487 and Add.1)

24. Ms. DAES, introducing the working paper she had prepared on indigenous peoples and their relationship to land (E/CN.4/Sub.2/2000/25), thanked the Governments, indigenous peoples and intergovernmental and non-governmental organizations which had made comments and sent her information on the subject of the study. She especially thanked all those which had sent her communications, which she had taken into account in drafting her report.

25. After briefly describing the structure of the report, she read out paragraph 139, which pointed out that the draft United Nations declaration on the rights of indigenous peoples presented an opportunity for States to adopt an instrument that reflected a broad consensus among indigenous peoples and experts about indigenous land and resource rights. She also read out the recommendation addressed to Governments in paragraph 144 of the report, calling on them to formally renounce discriminatory legal doctrines and policies which denied the human rights of indigenous peoples or limited indigenous land and resource rights.

26. She then drew attention to the recommendation in paragraph 152 concerning the Permanent Forum for Indigenous Peoples. The Forum should consider playing a constructive role regarding problems pertaining to land and resource rights and environmental protection. In particular, ways of making the Forum effective should be studied, including through the creation of a fact-finding body, the appointment of an ombudsman and the establishment of a complaints mechanism

27. She believed that the discriminatory aspects of laws and policies relating to indigenous peoples and their relationship to land should be at the forefront of the agenda of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance.

28. Finally, she hoped that the Sub-Commission would recommend that the Commission on Human Rights should authorize the submission, at the next session of the Sub-Commission, of a new final working paper including a number of comments by several Governments, particularly the French Government, and some indigenous organizations.

29. Mr. BENGOA said that the question of indigenous people was one of the most important questions considered by the Sub-Commission. Referring to the report of the Working Group on Indigenous Populations on its eighteenth session (E/CN.4/Sub.2/2000/CRP.2), he drew the Sub-Commission's attention to the question of a definition of indigenous peoples, which needed to be studied in greater depth, and the conflict between the spread of capitalism through globalization and safeguarding indigenous peoples' resources. That conflict was analysed in paragraphs 157 et seq. of the report and should continue to be studied; the Sub-Commission could usefully develop some guidelines on how to resolve the conflict peacefully while respecting the human rights of indigenous peoples.

30. As to the report by Ms. Daes on indigenous peoples and their relationship to land, he referred to paragraphs 152 et seq. on the role of the Permanent Forum for Indigenous Peoples with regard to land and resource rights and environmental protection. It was the task of the Sub-Commission to develop guidelines that would allow the Forum to do its work successfully, including by defining what was meant by a fact-finding body and how a complaints mechanism could be set up. Given the ever-increasing importance of transnational corporations worldwide, international conciliation, mediation and appeals bodies should be established.

31. With regard to the Permanent Forum, it was clear that the Working Group and the Sub-Commission should have a specific agenda that was different from that of the Forum. The most important issue for the Sub-Commission or its Working Group was the relationship between discrimination, human rights violations and indigenous peoples. Agenda item 7 should be entitled "Discrimination against indigenous peoples" and should cover the following: situations characterized by violations of the rights of indigenous peoples; the preparation of studies and definitions and analysis of the human rights process with regard to indigenous populations; the development of instruments to be submitted to the Commission on Human Rights and the monitoring of the draft declaration, the study of which was progressing far too slowly in the Commission.

32. Consequently, the Sub-Commission should concentrate on the human rights of indigenous peoples and leave the Permanent Forum to study other issues relating basically to those peoples' development.

33. Mr. EIDE stressed that the land issue was of paramount importance for indigenous peoples. It had become an important issue in his country, Norway, which had ratified the ILO Indigenous and Tribal Peoples Convention, 1989 (No. 169) and where the report by Ms. Daes would certainly fuel the continuing discussions on the subject.

34. He supported, in particular, the recommendation in paragraph 152 of the report, in which the Permanent Forum for Indigenous Peoples was called on to consider playing a constructive role regarding problems pertaining to land and resource rights and environmental protection. Generally speaking, the reports by Ms. Daes and the report by Mr. Alfonso Martínez on the treaties concluded between indigenous peoples and States would become very important basic documents for the future work of the Forum.

35. The Sub-Commission should request the Commission to adopt without delay the draft declaration on the rights of indigenous peoples. In the meantime, the Sub-Commission should continue to study, among other things, questions of definitions, which could help the Commission complete its own work.

36. Mr. YOKOTA said that land and resources were a key part of the life of indigenous peoples, but industrial activity was threatening the existence of those peoples, whose lands were being damaged. The extraction and exploitation of resources, especially mining resources, by Governments and companies without the consent of those peoples often involved felling trees and caused pollution.

37. He was also keenly aware of the right of indigenous populations to development. It was up to those populations to start the development process and it was up to the international community to help them. He welcomed Ms. Daes' emphasis on the existence of collective and individual rights of indigenous peoples, given that the balance between them was a delicate one. He supported all the recommendations made in the report, including the recommendation that the Special Rapporteur should continue her work with a view to submitting a final report to the Sub-Commission.

38. He welcomed the establishment of the Permanent Forum, which meant that the role of the Sub-Commission with regard to indigenous peoples would have to be redefined. Nevertheless, it was clear that the Sub-Commission should continue examining all the fundamental rights of indigenous peoples.

39. Ms. DAES thanked all the speakers for their comments on her report and assured them that she would take their remarks into account, particularly those concerning the rights of indigenous populations in respect of development. She was particularly grateful to Mr. Eide, who had been her mentor for many years.

40. She then introduced the report on her visit to Mexico (E/CN.4/Sub.2/2000/CRP.1). She wished particularly to thank the High Commissioner for Human Rights, Mrs. Robinson, for approving the funding for the visit and the Mexican Government for its invaluable assistance. She also expressed her gratitude to the management and officials of the National Institute of Indigenous Affairs and the indigenous peoples of Mexico. She thanked Ms. Stamatopoulou, Deputy Director of the New York Office of the United Nations High Commissioner for Human Rights, for accompanying and assisting her during her visit to Mexico. During her trip, she had met officials from the central Government and various public figures from the States she had visited - Nayarit, Oaxaca, Chiapas, Campeche, Yucatán and Guerrero - as well as representatives of the human rights commissions of those States and the Parliamentary Commission on Indigenous Affairs. During her stay in Chiapas, she had had long talks with Bishop Samuel Ruiz in San Cristóbal de las Casas and with many representatives of non-governmental organizations (NGOs) and human rights defenders. In Mexico City, she had met with academics, NGO representatives and officials from United Nations agencies, including the Resident Coordinator of the United Nations Development Programme (UNDP).

41. She had also visited indigenous communities in many areas, as well as educational centres, clinics and other facilities. She had met with indigenous leaders, women, farmers and craftworkers and with people from many other social and professional categories from the indigenous communities. She had also visited an indigenous community of Guatemalan origin in Campeche, where she had been briefed on a programme to support their integration in the community.

42. The report was based mainly on information provided by governmental authorities, the National Institute of Indigenous Affairs, local human rights commissions, NGOs and other reliable sources. It contained the author's view of the work of the National Institute of Indigenous Affairs and the human rights situation of indigenous peoples and gave a summary of the human rights situation in Mexico.

43. In her public statements in Mexico, she had thanked the National Institute of Indigenous Affairs and the Mexican Government for all the means they had put at her disposal to allow her to visit the most remote indigenous communities, including by helicopter and plane. She had encouraged the Government to pursue its technical cooperation programme with the Office of the High Commissioner for Human Rights. She had welcomed the measures taken by the Government to deal with the health and education problems faced by indigenous communities, while pointing out that a large number of indigenous communities still suffered from extreme poverty and that much work remained to be done. She had expressed concern about the allegations brought to her attention concerning violations of the right to life, assaults, torture, arbitrary detention and violations of indigenous rights to land and natural resources. She had also said that she was concerned about the existence of armed civilian groups which terrorized indigenous communities and had criticized the impunity enjoyed by perpetrators of human rights violations. With regard to the complex situation in Chiapas, she had called on all the parties concerned to resume the dialogue so that the San Andrés accords could be implemented and had said that the United Nations could facilitate that process if the parties concerned invited it to do so. She had also requested the Government to support the rapid adoption of the draft United Nations declaration on the rights of indigenous peoples and the establishment of a permanent forum for indigenous peoples and had welcomed the Government's promise of support in that respect. She had encouraged the National Human Rights Commission and the State human rights commissions and indigenous organizations to continue their constructive efforts to protect and ensure respect for human rights and fundamental freedoms, particularly with regard to indigenous peoples, and to contact, if necessary, the United Nations, including the United Nations Voluntary Fund for Indigenous Populations.

44. The media had shown considerable interest in her visit, publishing articles, editorials and comments during it. Photographs had also been published that showed, in particular, the great interest and satisfaction of the indigenous peoples and she had given a few brief interviews to journalists.

45. She then gave a brief description of the structure of the executive summary (E/CN.4/Sub.2/2000/40) before the Sub-Commission.

46. The executive summary presented the main points of her visit to Mexico and contained a number of recommendations. It gave the reader information on the human rights situation in Mexico, particularly the human rights situation of the indigenous peoples in that country. The fact was that violations of the human rights of Mexican indigenous peoples continued to be committed, especially in cases of land disputes, and took the form of violence, forced displacement, torture and oppression. The increasing use of the military to impose order created an atmosphere of fear. With regard to the administration of justice, she made a fresh appeal to other United Nations bodies and mechanisms to deal with problems such as impunity, the excessive use of force, detention procedures, the lack of transparency in judicial procedures and the lack of awareness by indigenous populations of Mexican law. As many indigenous communities also suffered from religious conflicts, all the actors involved had a duty to foster religious tolerance. The Mexican Government should also take legislative and administrative measures to demarcate and protect the lands of indigenous communities in order to put an end to land disputes and prevent the forced displacement of populations.

47. The priority given by the Mexican Government to social development and the implementation of a decentralization policy was welcome. In that context, it was necessary to involve indigenous communities more closely in taking decisions that affected them and to ensure that they had access to basic resources, education and all social services on an equal footing. What was at stake for those communities was the enjoyment of their economic, social and cultural rights. The Mexican Government, which had shown commendable political will in that area, should, if necessary, appeal to the international community for help in meeting its obligations towards indigenous populations.

48. It was recommended that the Mexican authorities should undertake comprehensive legislative reform at the federal level with regard to indigenous affairs, in order to incorporate fully international instruments such as ILO Convention No. 169 into its domestic legislation.

49. While commending the National Institute of Indigenous Affairs for implementing specific programmes and projects to improve the social and economic conditions of indigenous communities, she regretted that its work and resources were inadequate to deal with such enormous problems. It was true that the federal Government was trying to improve the health and education of indigenous communities, but, given the particularly high level of malnutrition in those communities, more resources needed to be allocated to health.

50. In conclusion, the new Government should demonstrate that it had the political will to undertake reforms to prevent human rights violations, implement the recommendations in her report and ensure that the human rights and fundamental freedoms of all indigenous and non-indigenous peoples in Mexico were protected effectively.

51. Mr. EIDE said that the report by Ms. Daes was a very important one that could be used as a model for studies on the situation of indigenous peoples in different countries. The report would also be very important for the Permanent Forum. He thanked the Mexican Government for inviting the Special Rapporteur to visit and expressed the hope that other countries where indigenous issues existed would be as cooperative.

52. Mr. BENGOA, drawing attention to the duties of the new Mexican Government, said that, as point out by Ms. Daes, it should settle the question of Chiapas as quickly as possible on the basis of the agreements already reached.

53. Mr. GUISSÉ thanked Ms. Daes for her excellent work, which gave a thorough analysis of the problems related to the situation of the indigenous populations in Mexico. It remained to be seen what the Mexican Government would have to say on the matter. He would be particularly interested in learning more about the role of the National Institute of Indigenous Affairs.

54. Mr. RODRÍGUEZ CUADROS, after thanking Ms. Daes for her thorough report, pointed out that the Mexican Government's positive and constructive attitude opened up the possibility of further visits of the same kind taking place or, in other words, of establishing a new relationship with the Sub-Commission which would give a more accurate and comprehensive view of developments in the situation in countries with regard to the rights of indigenous populations.

55. Mr. JOINET said that he fully agreed with Mr. Rodríguez Cuadros. However, the experience showed that the old way of working also had advantages in terms of the effective protection of human rights.

56. Ms. JAHAN (Observer for Bangladesh) welcomed the report of the Working Group on Indigenous Populations prepared by Mr. Alfonso Martínez (E/CN.4/Sub.2/2000/CRP.2) and the report by Ms. Daes on indigenous peoples and their relationship to land (E/CN.4/Sub.2/2000/25). She recalled that her Government had made some comments on the report submitted by Mr. Alfonso Martínez at the Sub-Commission's preceding session and, like him, had emphasized the need to make a clear distinction between ethnic minorities and indigenous peoples.

57. She stressed that the reference in paragraph 74 of the report by Ms. Daes to the Bangladesh authorities' settlement programmes in the Chittagong Hill Tracts did not reflect the current situation in that region. The Peace Accord on the Chittagong Hill Tracts reached in December 1997 by the Government of Bangladesh and indigenous representatives of the region had allowed a return to peace and harmony and had improved the development prospects of the tribal peoples. The 68-point Accord defended the political, economic and sociocultural interests of the tribal populations in the region. It contained specific provisions on tribal peoples' relationship to land and provided for, among other things, the establishment of a land commission to deal with land disputes and settlement measures. The Commission had the power to cancel ownership of lands which had been handed over illegally or which had been handed over to non-indigenous or non-local people for plantation purposes. Her Government was committed to fully implementing the Peace Accord as soon as possible. A year earlier, her country's Ambassador had sent a letter to the Special Rapporteur reporting on the positive developments in the situation in Bangladesh. Her Government found it regrettable that that information had not been taken into account in the report by Ms. Daes and hoped that the final version of the report would describe the situation prevailing in the Chittagong Hill Tracts region after the signing of the Peace Accord.

58. Mr. RUIZ Y ÁVILA (Observer for Mexico) said that democracy and the rule of law were inconceivable without the participation of indigenous peoples, who accounted for around 10 per cent of the Mexican population. In 1986, the Government of Mexico had begun a process of wide-ranging legislative reform with regard to the issue of indigenous people. In 1990, the Constitution had been amended to include the recognition, promotion and protection of indigenous rights. Sixteen out of 31 States had adapted their constitutions to include recognition of indigenous rights. Indigenous people were widely represented in the federal Congress and in the parliaments of the States with commissions on indigenous affairs. They played an active part in the political life of the country, as shown by the presidential elections on 2 July 2000. In the social sphere, the National Programme for Priority Regions was devoted to indigenous regions in particular.

59. In the area of health, 5 million indigenous people had benefited from basic health services between 1995 and 1999. Education was also a priority. In the 1999/2000 academic year, over 1 million indigenous children had received primary education and teaching materials in 36 languages had been provided for them. In addition, there was a network of 24 radio stations broadcasting in 31 indigenous languages.

60. Land ownership and the administration of justice in agricultural matters were also a priority. Seventy per cent of the ejidos (cooperative farms) and communities in the country held titles to land. Since 1992, there had been separate agrarian courts to settle land disputes while taking account of indigenous ways and customs. The agency responsible for land questions (Procuraduría Agraria) defended and represented the interests of indigenous people and provided them with free advice. The Codes of Criminal Procedure had been amended to take account of indigenous peoples' customs, among things. Local courts had been set up where indigenous people themselves settled matters that affected them.

61. In 1998, the National Human Rights Commission had set up a complaints centre to defend the human rights of indigenous peoples. Meanwhile, governmental agencies ensured that indigenous populations had access to justice and had set up a programme for the release of indigenous prisoners.

62. With regard to Chiapas, in 1998 the Mexican Government had submitted an initiative, pursuant to the San Andrés accords, to amend the Constitution with respect to indigenous rights and culture. The initiative was currently before Congress. In September 1999, the Government had also made a new proposal for talks, to which it was awaiting a reply. During the past five years, over $6 billion had been invested in health, education, housing and land distribution for indigenous populations. A document describing the steps taken had been circulated to the Sub-Commission experts.

63. With regard to the report by Ms. Daes on her visit to Mexico, of which the executive summary was to be issued in all official languages as document E/CN.4/Sub.2/2000/40, his delegation wondered whether there was a mandate for the submission of that report to the Sub-Commission. He pointed out that his Government had received the report, in English, a week before the start of the fifty-second session of the Sub-Commission and had sent its author some preliminary comments on procedural matters. At the moment, his Government was not in a position to express a view on the contents of the report and reserved the right to make comments subsequently and to request, if necessary, that they be circulated as an official document of the Sub-Commission.

64. Ms. GUTIÉRREZ (International Indian Treaty Council) said that her organization wished to thank Ms. Daes for all the work she had done on behalf of the indigenous peoples of the world. She also thanked Mr. Alfonso Martínez for chairing the eighteenth session of the Working Group on Indigenous Populations, which her organization had attended and which had been devoted primarily to indigenous children and youth. That issue should be permanently on the agenda of the Working Group. The Office of the High Commissioner for Human Rights should be thanked in that connection for setting up the United Nations Indigenous Fellowship Programme. It would also be appreciated if the Sub-Commission could facilitate the organization of an international seminar on the rights of indigenous children and youth, to be held in 2001 in Chile, on Mapuche territory, as suggested by an indigenous organization from Chile.

65. The three documents submitted by Ms. Daes (E/CN.4/Sub.2/2000/25, 26 and CRP.1) should be circulated as widely as possible, as they were of major importance. The Sub-Commission should adopt a resolution calling for an end to the systematic violations of the human rights of indigenous peoples in Mexico, as reported by Ms. Daes in one of her reports, and for the immediate implementation of the San Andrés accords.

66. She also suggested that the High Commissioner for Human Rights should organize a seminar on treaties between States and indigenous populations - an issue which Mr. Alfonso Martínez had studied thoroughly in his report (E/CN.4/Sub.2/1999/20) - to be held in Arizona, United States, on Dineh (Navajo) lands.

67. She would also like the report on the international consultation on the health of indigenous peoples, drawn up by the World Health Organization (WHO), and the Geneva Declaration on the Health and Survival of the World's Indigenous Peoples, drawn up by indigenous people, to be included among the official documents of the nineteenth session of the Working Group on Indigenous Populations.

68. She thanked the Sub-Commission and the Working Group for consistently advocating the appointment of a special rapporteur on indigenous peoples and called for that issue to be taken up at the fifty-seventh session of the Commission on Human Rights.

69. For her organization, the decision by the Economic and Social Council to establish the Permanent Forum for Indigenous Peoples was a historical one. However, the Forum could not replace the Working Group, which should continue to work to promote and protect the rights of indigenous peoples. She hoped that, at its nineteenth session, the Working Group would work out a plan to protect the natural resources of indigenous populations, covering the impact of climate change, the use of pollutants, globalization and the activities of transnational corporations on the lands of indigenous peoples.

70. Although they lived under a reign of terror, especially in Texas, Chiapas, Brazil and Colombia, indigenous peoples yearned for peace. For example, her organization was holding talks in Geneva with the Guatemalan mission to seek solutions and agreements to allow the peoples of Guatemala to live in harmony.

71. Ms. DAES thanked all her colleagues for their kind remarks. She pointed out, for the benefit of Mr. Guissé, that the National Institute of Indigenous Affairs was a public body answerable to the Ministry of Social Development. She was surprised that there should be any doubt about the admissibility of the report she had prepared following her visit to that very beautiful and charming country, Mexico, since the experts of the Sub-Commission had a duty to report on the visits they made. She had done exactly the same after her visits to Guatemala, Brazil, Japan, Australia and New Zealand. She thanked the observer for Bangladesh and the representative of the Indian Law Resource Centre for their comments. She had also taken note of the comments by the representative of Mexico, who had accompanied her on most of her travels in Mexico.

72. Lastly, she said she had taken note of the measures the new Mexican Government intended to take to improve the human rights situation of the indigenous populations in Mexico, a country for which she had the profoundest respect.

73. Mr. Alfonso MARTÍNEZ, speaking as Chairperson-Rapporteur of the Working Group on Indigenous Populations, thanked all the speakers who had paid tribute to the Working Group for the work it had accomplished since it had been set up.

74. The report of the Working Group on its eighteenth session had given rise to an extremely rich debate. Many speakers had emphasized that the land issue had been, was and would remain the main cause of all the discrimination and human rights violations to which indigenous populations were subjected.

75. It also emerged from several statements that the establishment of the Permanent Forum for Indigenous Peoples in no way justified abolishing the Working Group on Indigenous Populations.

76. The Working Group had prepared two draft resolutions, one on the International Decade of the World's Indigenous People and the second on the Working Group itself, which would be submitted to the Sub-Commission for adoption or amendment.

77. In conclusion, he said that the report of the Working Group on its eighteenth session faithfully reflected the discussions that had taken place and he thanked all those who had offered their support to the Working Group.

78. The CHAIRPERSON said that the Sub-Commission had concluded its consideration of agenda item 7.

PREVENTION OF DISCRIMINATION AGAINST AND THE PROTECTION OF MINORITIES (agenda item 8) (E/CN.4/Sub.2/2000/10, 27 and 28)

79. Mr. EIDE, speaking as Chairperson-Rapporteur and introducing the report of the Working Group on Minorities on its sixth session (E/CN.4/Sub.2/2000/27), said that Mr. Bengoa, Mr. Kartashkin, Ms. Udagama, Mr. Sik Yuen and himself had taken part in the work of the session, held from 22 to 26 May 2000. The session had been attended by many government observers, representatives of United Nations bodies and specialized agencies, national institutions and NGOs, as well as experts and academics.

80. The Working Group had completed its commentary on the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and the final version of the commentary would be published in a future United Nations manual on minorities.

81. The working paper on the existence and recognition of minorities submitted by Mr. Bengoa (E/CN.4/Sub.2/AC.5/2000/WP.2) had given rise to an extremely interesting debate which had given the Working Group a better understanding of the differences between the rights of minorities and the rights of indigenous peoples.

82. The Working Group had also considered constitutional and legal provisions and other general measures to protect the existence and identity of minorities. Several government observers had described such measures taken recently by their Governments.

83. Reports had been submitted on the extremely interesting work of two seminars held with the encouragement of the Working Group, the International Seminar on Intercultural and Multicultural Education, held in Montreal, and the African Seminar on Multiculturalism, held in Arusha.

84. In its conclusions and recommendations, the Working Group had expressed its appreciation of the joint meeting which had been held with the Working Group on Minorities of the Central European Initiative and had made it possible to compare the global and the subregional central European approaches to minority protection. It had taken note of the constructive recommendations made by NGOs, Governments and experts, which would be taken into account in the report and incorporated in the work programme.

85. The Working Group had decided to rationalize its agenda. At its seventh session, three meetings would be devoted to the implementation of the Declaration at the national level, three meetings to discussions of possible solutions to minority problems and three meetings to discussions on thematic issues. The theme for the seventh session would be a more in-depth examination of the right of minorities to effective participation in the society of which they formed part. Special attention would be given to an examination of integrative and autonomist approaches to the protection of minorities.

86. For that purpose, Mr. Bengoa had been invited to prepare a paper on autonomy models in the Americas, Mr. Kartashkin to ensure that a study was prepared on the use of autonomy approaches in the Russian Federation and Mr. Eide to prepare a paper on cultural or personal autonomy. The delegation of Finland and Mr. Hadden had offered to prepare studies on, respectively, autonomy in Finland and integrative approaches to minority protection.

87. The Working Group had decided to encourage the further development of regional networks and the preparation of studies regarding the implementation of the Declaration. For that purpose, it had recommended that three seminars should be held, one in the Asia-Pacific region, one in the Americas, focusing in particular on the situation of the Afro-American minorities, and one in Africa. Participants should include representatives of minorities, NGOs and Governments of the region concerned, particularly officials with responsibility for minority issues.

88. The Working Group had authorized him to prepare a statement to be made at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, focusing on the relationship between the elimination of racial discrimination and the protection of minorities.

89. It had been requested that funding should be secured to employ a person full-time in the Office of the High Commissioner for Human Rights to deal with the rights of persons belonging to minorities and that a voluntary fund for minority issues should be established.

90. The Working Group had reiterated its appeal to the High Commissioner for Human Rights to organize a seminar for representatives of global and regional organizations, treaty bodies and specialized agencies to discuss issues connected with their respective work on the protection of minorities, improve coordination so as to reduce duplication and parallel activities, exchange information and seek ways of better protecting the rights of people belonging to minorities.

91. It had also been decided to continue submitting information presented at its sessions by representatives of minorities and NGOs to Governments not represented at the session, thereby giving the latter the opportunity to provide information to supplement that submitted by NGOs.

92. Mr. BENGOA said that the Working Group on Minorities had been growing in maturity over the years, as shown by the depth and quality of the discussions that took place at its sessions and that had been faithfully reflected in the report by the Secretariat. Care should be taken to ensure that all the working papers of the Working Group were sent to the members of the Sub-Commission.

93. By organizing seminars in all regions of the world, the Working Group would avoid falling into the trap of being "Eurocentric" and he encouraged his colleagues to take part in them. He was particularly pleased to see that the rights of Afro-Americans would be studied at three seminars to be held in, respectively, North America, Central America and South America, since that was one of the major themes the Sub-Commission would be called on to study.

94. Lastly, he drew the Sub-Commission's attention to paragraph 90 of the report, which stated that a major challenge facing the Working Group was to define guidelines and approaches for the prevention of ethnic conflicts around the world and to guide United Nations agencies in developing plans to prevent certain difficult situations from turning into conflicts. That was indeed one of the major challenges facing the Working Group and the Sub-Commission.

95. Mr. GENIUSAS (International Federation of Free Journalists) drew the Sub-Commission's attention to the tragic fate of the Kashmiri people and the human rights situation in Sierra Leone, Rwanda, Burundi and the Democratic Republic of the Congo and also to the population transfers, ethnic cleansing and the building of settlements by an occupying Power in East Timor, Kosovo, Chechnya and Tibet.

96. He pointed out that Tibetan spiritual leaders such as the Dalai Lama were being prevented from attending the Millennium World Peace Summit of Religious and Spiritual Leaders to be held in New York from 28 to 31 August 2000. According to Desmond Tutu, if the ban was maintained, the reputation of the United Nations could be seriously tarnished.

97. In Belarus, 1,200 people had demonstrated in Minsk on 29 July 2000 to demand the release of political prisoners, a democratic Parliament, freedom of speech for the media and a national referendum on the self-determination of the Belarusian people.

98. The Baltic countries, which had for decades been the victims of massive Russification by the occupying Power, the Soviet Union, were now being accused by the Russian Federation of discriminating against the Russian-speaking minority. However, it should not be forgotten that

the Lithuanian minority living in the Kaliningrad region of the Russian Federation did not enjoy anything like the same rights that the Russian-speaking population living in Lithuania enjoyed. For example, members of the Lithuanian minority had no newspapers in Lithuanian and received no teaching in their mother tongue.

99. In the multi-ethnic countries of Poland and Lithuania, the authorities consulted the representatives of national minorities before taking decisions that affected them and created conditions in which their culture and traditions could flourish.

100. Citizenship and language policies in Estonia and Latvia were the targets of virulent criticism from Moscow even though, according to the European Commission, the Estonian language law conformed to international standards. Latvia, meanwhile, had emphasized its constructive cooperation with international experts within the framework of its integration into European structures.

101. The Finno-Ugric indigenous peoples living in the territory of the Russian Federation were in danger of seeing their language and culture disappear after 70 years of Russification and the exploitation of their natural resources.

102. His organization urged the Sub-Commission to continue monitoring closely the situation in Chechnya and to call on the Russian Government to put an immediate stop to its military activities and authorize the Chechen people to exercise its right to self-determination.

The meeting rose at 1.05 p.m.